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Paper No. 16

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OFFICE OF PETITIONS

In re Application of
John S. Buchanan and Berne K. Stober
Application No. 09/107,787
Filed: June 30, 1998
Attorney Docket No. 10000-1
Title: VAPOR/LIQUID CONTACTING
CYCLONE WITH SECONDARY VANES

DECISION ON PETITION

This is a decision on the petition filed on January 4, 2002, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed June 7, 2000, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

became abandoned on September 8, 2000. A Notice of Abandonment was mailed on December 27, 2000.

With the instant petition, the petitioner has submitted an amendment, paid the petition fee, and made the proper statement of unintentional delay.

Petitioner has also submitted a three month extension of time. An extension of time under 37 C.F.R. §1.136 must be filed prior to the expiration of the maximum extendable period for reply². Accordingly, since the \$400.00 extension of time submitted with the petition on January 4, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The instant petition is not grantable because requirement (1) above have not been satisfied.

Regarding the first requirement, Petitioner did not submit the required reply within the meaning of 37 CFR 1.113 to the final Office action of June 7, 2000. The amendment submitted with the instant petition has been considered by the Examiner, but it was not determined to place the application in condition for allowance. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed³. In order for the application to be revived on renewed petition under 37 C.F.R. §1.137(b), petitioner must submit the required reply. The proposed reply required for consideration of a petition to revive must be an amendment that places the application in condition for allowance, or the filing of a continuing application or a request for continued examination.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

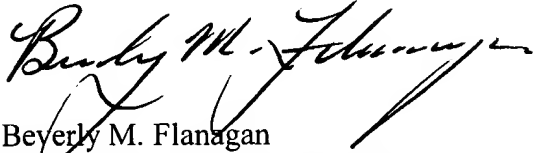
By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Receipt of the declaration and the change of address is acknowledged.

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

³ See M.P.E.P. 711.03(c).

Telephone inquiries specific to this decision should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.



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